

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)
Plaintiff,)
v.)
FRANKLIN PHINELL NEWSON,) CASE NO. DNCW3:00CR179-1
Defendant,) (Financial Litigation Unit)
and)
LOWES HOME CENTERS, INC.,)
Garnishee.)

ORDER OF GARNISHMENT

THIS MATTER is before the Court on the answer of Lowes Home Center, as the Garnishee. On August 15, 2001, the Defendant was sentenced to three years probation for his conviction for the use of unauthorized access devices and aiding and abetting that offense and bank fraud and aiding and abetting that offense in violation of 18 U.S.C. §§ 1029(a)(2),1344 and

2. Judgment in a Criminal Case, filed September 25, 2001; *see also*, Amended Judgment in a Criminal Case, filed October 12, 2004. As part of that Judgment, the Defendant was ordered to pay an assessment of \$200.00 and restitution of \$51,928.00 to the victims of the crime. ***Id.***

The Government now seeks to garnish the Defendant's earnings from the garnishee. The Answer of the Garnishee provides that Garnishee anticipates additional earnings in the form of new wages (gross pay minus total tax withholdings) in the amount of \$101.36 bi-weekly.

The United States requests that 25% of the Defendant's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments be applied to the United States' garnishment, and that the Government's garnishment take immediate effect. *See*

28 U.S.C. § 3205(c)(10).

IT IS, THEREFORE, ORDERED that an Order of Garnishment is hereby **ENTERED** in the amount of \$30,587.00 computed through March 10, 2009, which attaches to any earnings of the Defendant and up to 25% shall be garnished in favor of the United States until the Defendant's restitution debt is paid in full.

Signed: April 16, 2009



Lacy H. Thornburg
United States District Judge

